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In re Application of	:	
Vertommen et al.	:	
Application No.: 10/527,246	:	DECISION
PCT No.: PCT/US03/28519	:	
Int. Filing Date: 11 September 2003	:	ON
Priority Date: 16 September 2002	:	
Attorney Docket No.: AHP98246	:	PETITION
For: Vaccines Containing Viruses Involved In	:	
Avian Malabsorption Syndrome And	:	
Methods Of Administration Thereof	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 19 July 2006.

### DISCUSSION

In a Decision mailed on 25 May 2006, the petition under 37 CFR 1.47(a) filed on 09 February 2006 was dismissed, without prejudice, because

Regarding requirement (4), the petition is accompanied by a declaration document, filed on 09 March 2005, signed by joint inventor Frans Gerrit Davelaar. However, inspection of the declaration reveals that it nominates "Jacob Jacobuw LOUWERENS," while the published international application nominates "LOUWERENS, Jacob, Jacobus." No explanation of this discrepancy appears to be present in the application file. As such, it would not be appropriate to accept said declaration at this time. Accordingly, requirement (4) has not been satisfied.

In response, petitioner has filed a declaration document executed by Frans Gerrit DAVELAAR and Jabob Jacobus LOUWERENS. This declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Therefore, requirement (4) now has been satisfied, and the petition is now grantable with respect to the remaining non-signing inventor, Mathieu Hubert VERTOMMEN.

### DECISION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 19 July 2006 (the date a declaration acceptable for purposes of 37 CFR 1.497(a) and (b) was filed).

/George Dombroske/  
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Dear Mr. Vertommen:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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